

App. Ser. No.: 10/067,610
Atty. Doc. No.: D02684

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/067,610
Confirm. No.: 5884
Inventor: Rafie Shamsaasef et al.
Filing Date: February 4, 2002
Title: Method and System for Providing Third Party Authentication of Authorization
Examiner: Okoronkwo, Chinwendu C.
Art Unit: 2136
Atty. Docket No.: D02684

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL CONFERENCE BRIEF

Please review the Final Rejection mailed on November 16, 2007. No amendments are being filed with this Brief. This Brief is being filed with a Notice of Appeal and required fee. The review requested is attached hereto and is not more than five (5) pages. Applicant is also submitting a Petition for a Three (3) Month Extension of Time so this Pre-Appeal Conference Brief may be filed on or before May 16, 2008.

The Examiner relies on Brezak as the primary reference in continuing to reject the claims. Brezak is a different system than that presently claimed by Applicant. Brezak allows a first server to be a proxy for the client when requesting data from a second server. See paragraphs [0044], [0046], [0048] and [0054]. By way of being a proxy, server 210 forwards client specific information directly to another server such as server 212 or 214. Id.

As can be seen in Applicant's Fig.1, neither server 107 nor 106 acts as a proxy for client 102 to request data from the other. The claims, as presently written, support this contention. Specifically, claim 1 includes the language

sending the access information, session rights and authentication to a client, whereby the client presents the access information, session rights and authentication to the first application server to be authorized to receive the desired content from the first application server

As can be seen from this language, it is the client that forwards information to the data providing server and not another server as described in Brezak.

In making the present rejection, the Examiner equates the claimed "third party server" with Brezak's trusted third-party server 206. Brezak also gives examples of what the trusted third-party server 206 could be that include being a key distribution center (KDC). See paragraph [0040]. Therefore, the Examiner is equating the claimed "third party server" with a KDC. This interpretation conflicts with the claim language because later in claim 1, Applicant recites a KDC as a separate entity from the third party server. Thus, equating Brezak's trusted third-party server 206 with Applicant's claimed "third party server" renders Applicant's later recitation of a "key distribution center" out of the claim and this is improper.

In response to this argument, the Examiner asserts in the Final Rejection that the claim language “does not distinguish the KDC as being a separate entity.” Applicant disagrees. The claim clearly recites a “third party server” and a “KDC.” If Applicant had intended for the KDC to be the “third party server,” applicant would have claimed the third party server instead of the KDC. The Examiner is re-writing the claims in an effort to make an inappropriate reference apply to the present application. While Applicant agrees that the specification cannot be read into the claims, the Examiner similarly cannot read out express limitations from a claim in order to make a rejection.

The Examiner also asserts that Brezak teaches “sending the access information, session rights and authentication to a client,” in paragraph [0048]¹. Brezak does not transmit any information to the client in paragraph [0048]. Instead, Brezak teaches sending client information from trusted third-party server 206 to server 210. The client 202 receives nothing in paragraph [0048]. Indeed, since the purpose of Brezak is to have one server act as a proxy for a client, as previously described, the client would never send this type of information because that responsibility has been delegated to a server.

In the first response to this argument, the Examiner first cited to paragraph [0008] of Brezak. Paragraph [0008] does not support the Examiner’s rejection. Now the Examiner cites to paragraphs [0039] - [0043] and abandons paragraph [0008].

Applicant notes that an authentication reply is sent to a client in paragraph [0042]. However, no mention of access information or session rights is made in Brezak’s paragraphs [0039] - [0043]. Thus, Brezak does not teach all of the limitations of claim 1 as asserted by the Examiner.

¹ In the response to arguments, the Examiner now cites to paragraphs [0039]-[0043]. However, the rejection on page 5 of the Final Rejection cites to paragraph [0048].

App. Ser. No.: 10/067,610
Atty. Doc. No.: D02684

Respectfully submitted,

Rafie Shamsaasef et al.

_____/Benjamin D. Driscoll/_____
Benjamin D. Driscoll
Reg. No. 41,571
Motorola, Inc.
101 Tournament Drive
Horsham, PA 19044
P (215) 323-1840
F (215) 323-1300

____May 16, 2008____
Date